

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|------------------------------|
| RICKY SHEPPARD, | § |
| | § No. 350, 2008 |
| Defendant Below, | § |
| Appellant, | § |
| v. | § Court Below—Superior Court |
| | § of the State of Delaware, |
| | § in and for Sussex County |
| STATE OF DELAWARE, | § Cr. ID 0509017113 |
| | § |
| Plaintiff Below, | § |
| Appellee. | § |

ORDER

This 2nd day of April 2009, it appears that, on January 14, 2009, the Court issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute his appeal by not filing his opening brief and appendix in this matter. The appellant responded to the notice to show cause. The Clerk informed him that the rule would be held in abeyance pending receipt of his brief on or before March 5, 2009. Appellant failed to file his brief; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice